



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450 Alexandria, Virginia 22313-1450 on *10/10/06*
By *THOMAS M. GALGANO, ESQ.*

Date: *10/10/06*

IAP6 Rec'd PCT/PTO 12 OCT 2006

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PATENT
DOCKET NO.:
460-40

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : KARL BATSCHEID
SERIAL NO. : 10/567,007
FILED : JANUARY 31, 2006
FOR : FOAM THROTTLE

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF
NONPROVISIONAL APPLICATION**

Commissioner For Patents
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application, dated September 28, 2006, enclosed herewith is the requested executed Declaration. Credit Card form PTO-2038 in the amount of \$65.00 is enclosed to cover the official surcharge for the late filing of the Declaration.

10/17/2006 MKAYPAGH 00000109 10567007

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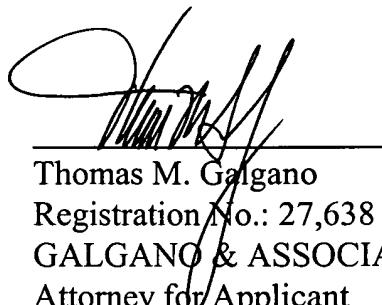
65.00 0P

The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application, without specific authorization, or credit any overpayment, except for the Publication Fee and Issue Fee, or credit any overpayment to Deposit Account No. 50-3990.

Accordingly, issuance of the Official Filing Receipt is respectfully solicited.

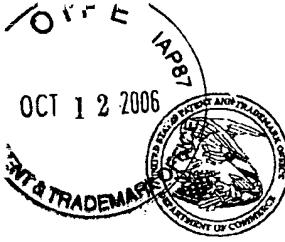
Respectfully submitted,

KARL BATSCHEID



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Enclosures: Executed Declaration,
PTO-2038, Copy of Notice to File Missing Parts



OCT 12 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/567,007	Karl Batschier	460-40

INTERNATIONAL APPLICATION NO.

PCT/DE04/01385

I.A. FILING DATE	PRIORITY DATE
07/01/2004	08/01/2003

Thomas M Galgano
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Suite 135
300 Rabro Drive
Hauppauge, NY 11788

CONFIRMATION NO. 9882

371 FORMALITIES LETTER



OC000000020614806

Date Mailed: 09/28/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 01/31/2006
- English Translation of the IA filed on 01/31/2006
- Copy of the International Search Report filed on 01/31/2006
- Preliminary Amendments filed on 01/31/2006
- Information Disclosure Statements filed on 01/31/2006
- Oath or Declaration filed on 01/31/2006
- Small Entity Statement filed on 01/31/2006
- U.S. Basic National Fees filed on 01/31/2006
- Priority Documents filed on 01/31/2006
- Specification filed on 01/31/2006
- Claims filed on 01/31/2006
- Abstracts filed on 01/31/2006
- Drawings filed on 01/31/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$65** for a Small Entity:

- **\$65** Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/567,007	PCT/DE04/01385	460-40

FORM PCT/DO/EO/905 (371 Formalities Notice)